

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
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PER M. G. P.
DEPUTY CLERK

SCOTT NJOS,

Plaintiff,

v.

CARNEY, et. al.,

Defendants.

CIVIL ACTION NO. 3:12-CV-1375

(Judge Kosik)

MEMORANDUM AND ORDER

AND NOW, this 8th day of November, 2012, IT APPEARING TO THE
COURT THAT:

(1) Plaintiff, Scott Njos, a prisoner confined at the United States Penitentiary-Lewisburg, Pennsylvania, filed the instant civil rights action pursuant to 28 U.S.C. §1331 and the Religious Freedom Restoration Act ("RFRA") on July 17, 2012;

(2) In his Complaint, Plaintiff raises a First Amendment free exercise of religion claim; and, a withholding of access to religious programs, services and benefits in violation of the RFRA;

(3) The action was assigned to Magistrate Judge Thomas M. Blewitt for Report and Recommendation;

(4) On September 12, 2012, the Magistrate Judge issued a Report and Recommendation (Doc. 8) wherein he recommended that Plaintiff's claims for monetary damages against Defendants in their official capacities be dismissed; that Plaintiff's complaint be dismissed with prejudice as against Supervisory Defendants Bledsoe, Norwood, and Kane; that Plaintiff's request for a specific sum of damages be stricken; that Plaintiff's request for declaratory relief as to past conduct be dismissed; and that Plaintiff be allowed to proceed against Chaplain Defendants Carney, Onua, and Davis, with respect to the exercise of religion claims under the First Amendment and under the RFRA;

(5) Plaintiff has failed to file timely objections to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(6) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C.A. §636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987);

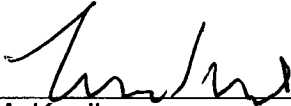
(7) We have considered the Magistrate Judge's Report and we concur with his recommendation. Thus, we will adopt the Report and Recommendation of the Magistrate Judge in its entirety.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Thomas M. Blewitt dated September 12, 2012 (Doc. 8) is **ADOPTED**;

(2) The Plaintiff's claim for monetary damages against Defendants in their official capacities is **DISMISSED**; the Complaint is **DISMISSED** with prejudice as to Supervisory Defendants Bledsoe, Norwood, and Kane; the request for a specific sum of damages is **STRICKEN**; the request for declaratory relief as to past conduct is **DISMISSED**; and Plaintiff is **ALLOWED** to proceed against Chaplain Defendants Carney, Onua, and Davis, with respect to the exercise of religion claims under the First Amendment and under the RFRA; and

(3) The above-captioned action is **REMANDED** to the Magistrate Judge for further proceedings.



Edwin M. Kosik
United States District Judge